

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON L. ERIKSEN,

Plaintiff,

vs.

VAN'S SANITATION, INC., an Iowa corporation; VAN'S SANITATION, LLC, an Iowa limited liability company;¹ and JEFFREY L. HANSON,

Defendants.

8:24CV267

**ORDER ON JOINT STIPULATIONS OF
VICARIOUS LIABILITY AND FOR
DISMISSAL OF DEFENDANT HANSON,
INDIVIDUALLY, WITHOUT
PREJUDICE**

This case is before the Court on the Joint Agreed Stipulation, [Filing 14](#), and the Joint Stipulation of Dismissal of Defendant Jeffrey L. Hanson, Individually, Without Prejudice, [Filing 15](#), by and between plaintiff Brandon L. Eriksen and defendants Van's Sanitation, Inc., and Van's Sanitation, LLC (the Corporate Defendants). Both Stipulations are signed by counsel for plaintiff Eriksen and the Corporate Defendants.

In the Joint Agreed Stipulation, plaintiff Eriksen and the Corporate Defendants agree that individual defendant Jeffrey L. Hanson was an employee of Van's Sanitation, Inc., and was working in the course and scope of his employment with Van's Sanitation, Inc., at the time of the July 23, 2020, occurrence. [Filing 14 at 1](#) (¶ 1). They agree further that Van's Sanitation, Inc., admits that defendant Hanson's negligence was the sole proximate cause of the July 23, 2020, occurrence that forms the basis of plaintiff Eriksen's cause of action. [Filing 14 at 1](#) (¶ 2). Further, Van's Sanitation, Inc., admits that it is vicariously liable for the negligence of defendant Hanson on July 23, 2020. [Filing 14 at 1](#) (¶ 3). The parties also agree that on or about July 21, 2023,

¹ The identity of Van's Sanitation, Inc., as an Iowa corporation and of Van's Sanitation, LLC, as an Iowa limited liability company is consistent with the allegations in the Complaint, [Filing 1 at 1](#)–2 (¶¶ 2–3), although the parties were identified the opposite way around in the caption of the Complaint and the Stipulations now before the Court.

Van's Sanitation, Inc., was legally converted under Iowa law to Van's Sanitation, LLC, an Iowa limited liability company, and that through this conversion, Van's Sanitation, LLC, assumed the liabilities of Van's Sanitation, Inc., stemming from the occurrence on July 23, 2020, and that Van's Sanitation, LLC, is likewise vicariously liable only for the negligence of defendant Hanson on July 23, 2020. [Filing 14 at 2](#) (¶¶ 4–5).

In the Joint Stipulation of Dismissal of Defendant Jeffrey L. Hanson, Individually, Without Prejudice, plaintiff Eriksen and the Corporate Defendants agree to dismissal without prejudice of Jeffrey L. Hanson, individually, as a named defendant in this action pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(ii\)](#). [Filing 15 at 1](#). They further agree that their stipulation for dismissal applies only to defendant Hanson individually and does not impact plaintiff Eriksen's causes of action as to the Corporate Defendants. [Filing 15 at 1](#).

Accordingly,

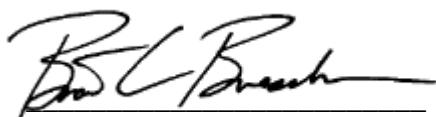
IT IS ORDERED that

1. the Joint Agreed Stipulation, [Filing 14](#), and Joint Stipulation of Dismissal of Defendant Jeffrey L. Hanson, Individually, Without Prejudice, [Filing 15](#), by and between plaintiff Brandon L. Eriksen and defendants Van's Sanitation, Inc., and Van's Sanitation, LLC, are accepted; and

2. this case is dismissed without prejudice as to defendant Jeffrey L. Hanson, individually. This dismissal does not impact plaintiff Eriksen's causes of action against the Corporate Defendants.

Dated this 17th day of September, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge